

REMARKS/ARGUMENTS

The Examiner commentary on the status of the claims is noted but requires no comment. If the Examiner were dissatisfied with the Board's decision, he could have requested reconsideration.

The Examiner rejected claims 1, 3 to 9, 15 and 16 under 35 USC 112, first paragraph, on the basis that the specification does not reasonably enable any person skilled in the art to which it pertains, with which it is most nearly connected, to make and/or use the invention.

The Examiner indicated that amendment of the claim language to include the four specific embodiments of inactivating agents would be considered acceptable. In this regard, claims 1 and 5 have been amended to specify that the inactivating agent is propiolactone, a non-ionic detergent which is n-octyl- α -D-glucopyranoside or n-octyl- β -D-glucopyranoside, or ascorbic acid.

Having regard to the revisions made to the claims, it is submitted that the claims are enabled by the disclosure and hence the rejection of claims 1, 3 to 9, 15 and 16 under 35 USC 112, first paragraph, on this basis, should be withdrawn.

The Examiner rejected claims 5 to 14 under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 11 and 14 to 16 of US Application No. 08/583,124. It is submitted that the Examiner intended to refer to claims 5, 11 and 14 to 16 of Application No. 08/583,124.

As noted in the Office Action, a rejection of obviousness-type double patenting may be overcome by the filing of a terminal disclaimer, which may be signed by an attorney-of-record.


Submitted herewith is a Terminal Disclaimer, disclaiming the term of the patent to be granted on this application which may extend beyond the term of the filing to be granted on Application No. 08/583,124, signed by an attorney-of-

record. The Director of the US Patent and Trademark Office is hereby authorized to charge the amount of the recordal fee as indicated in the enclosed Fee Transmittal form.

Having regard to the submission of the Terminal Disclaimer, it is submitted that claims 5 to 14 can no longer be considered to be open to rejection on the ground of obviousness-type double patenting as being unpatentable over claims 5, 11 and 14 to 16.

It is believed that this application is now in condition for allowance and early and favourable consideration and allowance are respectfully solicited.

Respectfully submitted,



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